

From: David Chantarangsu
Sent: Thursday, October 09, 2014 11:43 AM
To: CEQA Guidelines
Subject: SB743 Draft Guidelines Language

Dear Mr. Calfee:

The City of Laguna Hills offers these comments in response to OPR's release of draft guidelines meant to implement SB 743.

1. The City is concerned that OPR is exceeding the authority granted to it with the Legislature's passage of SB 743. The Legislature expressed its intent in drafting the language of SB 743 by indicating the following:

"It is the intent of the Legislature to balance the need for level of service standards for traffic with the need to build infill housing and mixed use commercial developments within walking distance of mass transit facilities, downtowns, and town centers and to provide greater flexibility to local governments to balance these sometimes competing needs."

The Legislature set out to provide flexibility and accommodation to local agencies in implementing infill development near mass transit, downtowns and town centers by eliminating the need to add street capacity as mitigation where auto oriented development would not be appropriate. OPR's proposed language to implement SB743 significantly extends the bill's focus beyond these areas which is not consistent with the Legislature's intent. While the legislation includes directory language that allows OPR to expand the use of alternative metrics outside transit priority areas, OPR should limit the use of alternative metrics to transportation infrastructure that could be reasonably related to serving transit priority areas, consistent with the Legislature's intent.

2. The City of Laguna Hills is devoid of both transit priority areas and high quality transit corridors. The proposed language takes a "one-size-fits-all" approach to addressing environmental impacts that were clearly meant to apply to projects in urban/ suburban settings with specific transportation infrastructure amenities. While OPR has the ability to retain the use of LOS in crafting the guidelines for implementing SB 743, nowhere in the proposed language does OPR make provision for the retention of LOS as a metric. The City notes that it pursues reduction in VMT through the intensification of its land use patterns in certain areas that encourage high-density, mixed use commercial/residential development, and connectivity between the City's commercial activity centers with multi-modal transportation opportunities (a strategy that has been part of the City's land use vision since 2001). OPR's approach would frustrate the City's planning efforts by forcing, at a minimum, inefficient mitigation, and require the city to ask for what is arguably mis-directed and potentially unenforceable mitigation on projects where there may be an insufficient nexus between a project and improvements that don't actually work to reduce VMT.

3. OPR should provide definitive guidance as to the applicability of the final guidelines for projects that will be substantially underway by the effective date of the guidelines. Projects that have had development applications "deemed complete", released a Notice of Availability, Notice of Completion, or Notice of Intent would be appropriate milestones to establish an exemption from the new guidelines. OPR should also provide deference to the local agency to determine if complying with the new guidelines is more advantageous versus complying with the current guidelines, should the local agency choose to do so.

4. The City of Laguna Hills is concerned about the number of VMT models that OPR may be endorsing for conducting VMT analysis. The apparent acceptance by OPR of a variety of modelling approaches to analyze VMT is troubling in that different modeling outcomes could create contradictory substantial evidence that would trigger the preparation of unnecessary EIRs. OPR should consider language in the final guidelines that alleviate this issue.

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